

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 8, 2002
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Jeff Gannon, Chapel Hill Fellowship UMC, gave the invocation.

The Marine Corp Color Guard presented Colors.

Minutes -- approved

The Minutes of the regular meeting of December 18, 2001, were approved 7 to 0.

PRESENTATIONS

DEDICATION

The City Council Chambers was dedicated with City Council Members participating in a ceremonial ribbon cutting.

PROCLAMATIONS

Proclamations previously approved were presented.

UNFINISHED BUSINESS

ZON2001-00008
CUP2001-00004
DP-62

ZON2001-00008 – REQUEST FOR ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, AND CUP2001-00004 – AN AMENDMENT TO DP-62 CHELSEA STATION C.U.P. TO CREATE PARCEL 13; GENERALLY LOCATED ON THE NORTHWEST CORNER OF ROCKHILL AND ROCK ROAD. (District II)

Agenda Report No. 02-0039

MAPC Recommendation: April 5, 2001, approve, subject to conditions and subject to replatting (14-0);
December 6, 2001, approve, subject to conditions and subject to replatting (10-0).

Staff Recommendation: Approve, subject to conditions and subject to replatting.

DAB Recommendation: April 2, 2001, approve (7-0); December 3, 2001, approve (8-0).

The applicant is requesting that Parcel 9 be divided into two parcels. Parcel 13, the new parcel, would be 5.96 acres in size and be located along the west side of Rock Road, north of Rockhill. It would be zoned “LC” Limited Commercial. The remainder of Parcel 9, which is 7.34 acres, would keep its current zoning classification of “MF-18” Multi-Family. Also, the applicant is requesting that a second point of access be allowed on the northern edge of the tract along Rock Road.

Currently, Parcel 9 is developed with Sundance Apartments. The applicant proposes to raze the clubhouse and the ten apartment buildings nearest to Rock Road. The property would be redeveloped with the following commercial uses: retail, general; restaurants, excluding drive-in and drive-through; banks or financial institutions; ATM; offices; medical services; personal care services; and personal improvement services. The maximum gross floor area initially requested was 31,167 square feet (12

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%), with a maximum of four buildings and a maximum building height of 35 feet. The requested gross floor area was reduced to 21,000 square feet (8 %) at the MAPC meeting held on December 6, 2001.

DP-62 is part of a large Residential and Non-Residential Community Unit Plan begun in the 1970s. Total size of the C.U.P. is 160 acres. It is a mixed-use development with uses ranging from single-family residential to the shopping center located at the intersection of 21st Street North and Rock Road. The shopping center is now anchored by Best Buy, but includes a site for a discount store, small retail and service businesses, and two restaurant pad sites. The C.U.P. has another apartment complex along 21st Street North, as well as a day care and offices. There are also offices along Rock Road south of Rockhill. Rockhill/Broadmoor serves as the collector through the C.U.P. The residential uses south and west of Rockhill/Broadmoor include duplexes, single-family residences and townhouses.

The property to the east of Rock Road is developed with three restaurants and the Bradley Fair Shopping Center.

District II Advisory Board originally heard this case on April 2, 2001 (voted 7-0 to approve), and MAPC heard the case April 5, 2001 (voted 14-0 to approve, after being deferred by MAPC February 22, 2001 and on March 22, 2001). On May 15, 2001, the Wichita City Council voted (7-0) to refer the case back to District II Advisory Board and MAPC for reconsideration.

Two additional studies were procured to analyze the impact of the proposed amendment and zone change. These were "Traffic Impact Analysis: Chelsea Station Shopping Center" prepared by TranSystems Corporation (July 2001) and "Rock Road Retail Market Reconnaissance and The Potential Economic Effects of Granting a Request to Rezone a Portion of the Sundance Apartments Property," Gruen Gruen + Associates (July 12, 2001).

The case was scheduled initially for reconsideration at the July 16th DAB II and July 19th MAPC meetings, next deferred to the August 20th DAB II and August 23rd MAPC meetings, then deferred at the applicant's request.

At the District II Advisory Board meeting held December 3, 2001, additional testimony was received from three sources. John Arnold, John T. Arnold Assoc., Inc., spoke with concerns about the Gruen, Gruen, & Associates Report. Dr. Stanley D. Longhofer was available to answer questions to his analysis of the Gruen, Gruen, & Associates study. George Laham, speaking on behalf of Vantage Point Properties, Wilson Estates, and Bradley Fair, expressed concerns with economic fairness; the quality of any new development in the area; potential for decreasing traffic safety; and how the access management plan recommended by MAPD Staff affects adjacent properties. After hearing this testimony, the District II Advisory Board voted (8-0) to recommend approval subject to two additional conditions of (1) a design for cross-lot circulation be included in the CUP and (2) Condition 13 should be amended to require use of building materials consistent in quality with those materials found in Bradley Fair.

At the MAPC meeting held December 6, 2001, Mr. Bob Kaplan, agent for the applicant, distributed a handout to MAPC. This booklet contained a biography of Stanley D. Longhofer and Dr. Longhofer's analysis of Gruen, Gruen, & Associates Report, an area site plan, the "Traffic Impact Analysis-Chelsea Station Shopping Center" study (July 2001), and a transcript of the District II Advisory Board meeting on December 3, 2001. MAPC voted (10-0) to approve subject to Staff recommendations and replatting plus the additional recommendations of the District II Advisory Board.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotta moved that Council concur with the findings of the MAPC and approve the zone change and C.U.P. amendment, incorporating the following modifications to the MAPD and MAPC recommendations:

- a. Modify item 1f to set one point of access on Rock Road restricted to right-in and right-out traffic movements. The exact location of this access point will be determined at the time of platting.

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- b. Delete condition 1h, which calls for the applicant to pay for medial modifications for a northbound left-turn entrance. Left turns will not be allowed at this access point.
- c. Applicant shall guarantee construction of a deceleration lane on Rock Road at Rockhill and the widening of Rockhill to accommodate a left-turn lane. Guarantees to be held until redevelopment of the site.
- d. Maximum gross floor area for all buildings on the site shall be limited to 21,000 square feet.
- e. Owner shall be required to allow cross-lot circulation with the property abutting to the north.
- f. Exterior building materials must be consistent in quality with those materials used on buildings in the Bradley Fair development;

-- carried

and the Ordinance be forwarded for first reading when Plat is forwarded to the City Council. Motion carried 7 to 0.

DAY REPORTING

DAY REPORTING SITE LEASE GUARANTY. (District VI)

Joe Lang

First Assistant City Attorney reviewed the Item.

Agenda Report No. 01-1100 B

The State has designated Wichita as one of three locations for the operation of a Day Reporting Center, to be operated by its contractor, Community Solutions, Inc. (CSI). On May 8, 2001, the City Council approved an ordinance regulating the siting of Day Reporting Centers in the City. The ordinance addressed both siting and regulatory criteria for such facilities. Staff has been working with the Kansas Department of Corrections and CSI on the appropriate location. Nearly 50 sites were reviewed and evaluated.

On October 16, 2001, the City Council designated 703 East 21st Street as the preferred location of the Day Reporting Center, subject to the negotiations of an agreement and the approval of the license application and Conditional Use. The Conditional Use and license applications have been approved by MAPC and the Alternative Correctional Housing Advisory Board, respectively.

To make the construction and lease of this facility at the designated site possible under existing State funding, a \$215,000 up-front cash payment is necessary. In addition, the owner has requested that the City guarantee the ten-year lease. City Staff has negotiated a Guaranty agreement for the Lease.

Under the Lease Guaranty Agreement, the City serves as a guarantor of the lease agreement between the owner, Webb Road Development, Inc., and CSI. The City provides \$215,000 to help defray construction expenses, which will be paid on a monthly draw during construction. In addition, the City will guarantee the continued monthly base lease payments of \$6,500 per month for the first 5 years and \$7,000 per month of the remainder of the 10-year lease term. In the event of a default of the lease (other than rent payments) by the tenant, the City agrees to assume the substantive portions of the lease for the remainder of the term. The City retains rights to pursue collection from the tenant and has the right to use or release the facility in the event of such a default. This guaranty is subject to the standard non-appropriation provisions of the City.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Fearey moved that the Lease Guaranty Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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VEH RENTAL TAX VEHICLE RENTAL OCCUPATION TAX. (Continued from October 23, 2001)

Motion -- carried Pisciotte moved that the Item be deferred. Motion carried 6 to 0. Lambke - no.

NEW BUSINESS

NAMING PARK NAMING OF PARK PROPERTY: DELANO PARK. (District IV)

Matt Jordan City Manager's Office reviewed the Item.

Agenda Report No. 02-0001.

City Council Policy 13 specifies the requirements for naming public facilities and how such recommendations shall be handled. The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration.

Residents and business owners from the Delano neighborhood have requested that the City-owned land located at the northeast corner of Douglas and McLean become named "Delano Park." The parcel in question is bounded by the River Bank on the east, Douglas Street on the south, McLean Boulevard on the west, and the former railroad tracks (located behind the McLean Fountain) on the north.

An Advisory Committee consisting of seven members—one nominated by the Mayor and one nominated by each Council Member—was established to review and suggest possible names for the park property located at Douglas and McLean.

The Advisory Committee met Thursday, December 27, 2001 to discuss the request put forward by the Delano Neighborhood Association and make a recommendation to the Mayor and Council. The Committee unanimously recommended the naming of the property "Delano Park." The Park Board has endorsed this recommendation.

Only minor expense for the appropriate signing is anticipated from this action.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that name "Delano Park" for the parcel at Douglas and McLean bounded by the River Bank on the east, Douglas Street on the south, McLean Boulevard on the west, and the former railroad tracks (located behind the McLean Fountain) on the north, be approved. Motion carried 7 to 0.
-- carried

SER MULTICULTURAL NEIGHBORHOOD CENTER (SER).

Tom Smith Grants-In-Aid Coordinator reviewed the Item.

Agenda Report No. 02-0002.

In February, 1999, the City Council approved a lease with the SER Corporation to utilized the City-owned facility located at 2601 North Arkansas for five years. The City agreed to provide funding for necessary repairs to this building and SER was to be responsible for building modifications to house proposed services. Following the execution of the lease, the SER group sought to expand the facility or find other larger space that would economically house its operations and related uses.

The City hired an architect to provide cost data on remodeling the building and parking improvements, providing and addition to the building and/or constructing a new building. After the architectural

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review, SER requested the City demolish the building and construct a new facility at this site. This request was referred to the Park Advisory Board who recommended against demolition of the building.

Following this action, SER initiated a search for another location (within the northeast area) that might best meet its long term needs. Several sites have been under consideration by SER.

On January 9, 2001, the City Council approved a Community Development Block Grant (CDBG) loan in the amount of \$300,000 to SER to acquire another facility. Under the conditions, SER would have to provide the balance of the project financing from other sources. The CDBG contract provided SER with approximately seven months to consummate the purchase of property. The executed CDBG contract expired on September 10, 2001.

On August 16, 2001, Staff contacted SER and requested they provide an update on the status of the project. On August 31, 2001, the SER Board responded and requested additional time to spend the CDBG loan. The City Council considered the request and extended the funding to SER for an additional three months, through December 31, 2001.

SER has not initiated a request to utilize this funding for the purchase of a facility to house their operations. They have relocated their operations to another facility in their service area.

CDBG funds have been approved for this project.

The City Council has the legal authority to extend the contract or to deny the request for an extension of time. If an extension of time is granted, it is suggested the contract be extended no later than June 30, 2002, which is the end of the CDBG fiscal year.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Sam Lentz

Sam Lentz, Board Chair for SER, said SER is still asking for an extension.

Motion --

Knight moved that the extension of funding to June 30, 2002, be approved.

Substitute Motion --
-- carried

Fearey moved that the extension be denied and a new application be required. Motion carried 5 to 2.
Pisciotte, Knight – No.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report 02-0003.

On November 20, 2001 a report was submitted with respect to the dangerous and unsafe conditions on five (5) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on January 8, 2002.

On November 5, 2001, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address

Council District

- | | |
|--------------------------|-----|
| 1. 4558 South Seneca | IV |
| 2. 1647 South Palisade | III |
| 3. 922 North Wichita | VI |
| 4. 1208 North Chautauqua | I |
| 5. 1806 South Seneca | IV |

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Pursuant to State Statute the Resolutions were duly published twice on November 21, 2001 and November 28, 2001. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared on Items 1, 3, 4, and 5..

Motion --

Knight moved that on Items 1, 3, 4, and 5, the public hearing be closed, the Resolutions on all but No. 2 (1647 South Palisade), declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as January 8, 2002; (2) the structure(s) has/have been secured as January 8, 2002, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of January 8, 2002, and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-02-001

A Resolution finding that the structure located on beginning at the southwest corner of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 20, Township 28 South, Range 1, east of the 6th Principal Meridian, Sedgwick County, Kansas, thence north on the Section Line 187 feet, thence east, to Wichita, Sedgwick County, Kansas, commonly known as 4558 South Seneca, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-003

A Resolution finding that the structure located on Lots Lot 138, Wichita, Street, Munger's Original Town of Wichita, Sedgwick County, Kansas, commonly known as 922 North Wichita, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-004

A Resolution finding that the structure located on Lots 90 and 92, Chautauqua Avenue, Fairmount Park Addition, to Wichita, Sedgwick County, Kansas, commonly known as 1208 North Chautauqua, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-005

A Resolution finding that the structure located on Lot 4, West Park Gardens, Sedgwick County, Kansas, commonly known as 1806 South Seneca, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

Item No. 2 - 1647 South Palisade

Kurt Schroeder

Superintendent of Central Inspection said Staff recommended a deferral of action to February 12, 2002.

Motion --

Lambke moved that action on Item 2 be deferred until February 12, 2002, meeting. Motion carried 7 to 0.

-- carried

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CITY COUNCIL AGENDA

CONDEMNATIONS DANGEROUS AND UNSAFE PROPERTY EXTENSION OF TIME - 2717 SHADYBROOK. **(REQUESTED BY COUNCIL MEMBER BREWER)**

Council Member Brewer Council Member Brewer explained that the daughter of the owners, Dr. Nelson, has contacted an attorney to have the property transferred to her name; she has also hired a contractor to complete repairs.

Motion -- carried Brewer moved that the 60-day extension be granted. Motion carried 7 to 0.

APPOINTMENTS APPOINTMENTS TO GRANTS REVIEW COMMITTEE.

Agenda Report No. 02-0004.

On March 28, 2000, the City Council approved the change in composition of the Grants Review Committee due to the abolishment of the Human Services Advisory Board and the Citizen Participation Organization. The newly established Grants Review Committee is now comprised of twelve (12) members from the following areas: 4-District Advisory Board; 1-United Way; 1-Sedgwick County; 1-USD #259; 2-Wichita Independent Neighborhood Association; 1-Wichita State University; 1-large business and 1-small business.

On December 18, 2001, the City Council approved the appointments of the existing members and the remaining appointments were deferred until January 8, 2002.

The Grants Review Committee reviews the funding applications, holds one public hearing/applicant presentation and makes funding recommendations to the City Council.

The City Council is requested to select one large business representative and approve the appointments to the Grants Review Committee. In the event one of the nominees is unable to serve, it is requested the City Council authorize the City Manager to appoint a replacement.

The City has completed the required actions and the Council may make the appointments to the Grants Review Committee.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Pisciotte appointed Large Business, Orland D. Estes, Klenda, Mitchell, Austerman & Zuercher LLC; Wichita Independent Neighborhoods, Steve Roberts, Chisholm Creek Neighborhood Association; DABS: I – Treatha Brown Foster, III – William Ward; IV – Edwin Koon; VI – Maurine Willis; and
-- carried moved that the appointments be approved. Motion carried 7 to 0.

APPOINTMENTS BOARD APPOINTMENTS:

Motion -- Lambke appointed Chantelle Brennan to District III Advisory Board and moved that the appointment be
-- carried approved. Motion carried 7 to 0.

Motion -- Gale appointed Cathey Newsom to Police and Fire Retirement Board and moved that the appointment
-- carried be approved. Motion carried 7 to 0.

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CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 7, 2002.

Bids were opened December 21, 2001, and January 7, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2002 Wheelchair Ramp and Sidewalk - Phase I - north of Kellogg, east of Seneca. (472-83437/706828 /202294) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI)

Barkley Construction - \$182,000.00 (Engineer's estimate)

2001 Sanitary Sewer Reconstruction Phase 8 - north of Central between Seneca and Woodlawn. (468-83364/620328/661452) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI)

WB Carter Construction - \$126,549.00

Cedar Downs from the east line of Cedar Crest to the north line of Cedar Crest to serve Cedar Downs and Cedar Downs Third Additions (north of 21st Street North, west of 119th Street West) (472-83310/765667/490778) Traffic to be maintained during construction using flagpersons and barricades; Cedar Crest from the north line of 21st Street North to the west line of Cedar Downs to serve Cedar Downs, Cedar Downs Second, Cedar Downs Third, and Burchfiel Second Additions (north of 21st Street North, west of 119th Street West) (472-83309/765668/490779) Traffic to be maintained during construction using flagpersons and barricades; And Wheatridge to serve Cedar Downs Third Addition (north of 21st Street North, west of 119th Street West) (472-83311/765669/490780) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Kansas Paving Company - \$407,910.00 (Total aggregate bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Hess Pumping Station Motor Replacement. (037200)

Dondlinger & Sons Co. Inc. - \$497,000.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Repairs at 1847 Wellington Place. (792310)

Air Capital Construction Co. - \$7,280.00 (Lump sum total)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Sewer High-Pressure Cleaner Hose. (184804)

GT Midwest - \$678.00(Cost per roll)

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Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

Donna Moody	Wichita Inn Motel Systems	2020 South Broadway
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New Escort Service

Tekoa Antwan Callaway	Private Escapes	4406 West Central
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Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
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Jay A. Johnson	Johnson's General Store, Inc. #39	5400 North Meridian
Jay A. Johnson	Johnson's General Store, Inc. #06	1003 South Seneca

<u>New Operator</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
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Angel Lopez	Don Pilaro Grill*	2005 South Seneca
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Improving 21st Street North from 200 meters west of C.L. 119th Street West to 382.274 meters west of C.L. Maize Road - west of Maize Road at 21st Street North. (87 N-0189-01/472-83138/706814/201279) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$2,779,416
- b) Lateral 304, Four Mile Creek to serve Brookhaven Estates Addition - northeast corner of 159th East and Central. (468-83238/743867/480555) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$316,344
- c) 2001 sanitary sewer reconstruction Phase 7 (Canal Manholes) - north of Central at I-135. (468-83338/620326/661450) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$70,000
- d) 12-inch main in Woodrow from Friar Lane to 39th Street North (W-824) - along Woodrow north of 37th Street. (448-89574/633736/751824) Traffic to be carried thru construction w/flagman. (District VI) - \$150,000

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e) 12-inch and 16 Inch Main in Sheridan from Kellogg to Burton (W-829) - along Sheridan north of Kellogg. (448-89575/633737/751829) Traffic to be carried thru construction w/flagman. (District VI) - \$250,000

f) Water distribution system to serve Southwest Industrial Addition - north of Pawnee, west of Meridian. (448-89585/735018/470688) Does not affect existing traffic. (District IV) - \$58,000

g) Lateral 10, Main 16, Sanitary Sewer #22 to serve Southwest Industrial Addition - north of Pawnee, west of Meridian. (468-83272/743873/480561) Does not affect existing traffic. (District IV) - \$129,000

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Easement dated December 3, 2001, from Intrust Bank, Trustee, Fount K. Hartley Trust, for tract of land in Lot 1, Coleman Detweiler Addition. (No cost to City)

b) Dedication of storm sewer easement dated December 12, 2001, from Investment Resources Corporation, for property in the SE corner of NE ¼ Section 16, Township 28, Range 1 East.

c) Sewer Easement dated December 10, 2001, from Duane Wiechman for tract of land located in the NE ¼, Section 26, Township 27 South, Range 2 West.

d) Utility Easement dated January 8, 2001, from City of Wichita, a Municipal Corporation for part of the SE ¼ of Section 34, Township 26 South, Range 1 East.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized
-- carried Motion carried 7 to 0.

BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Historic Preservation Board, September 10, 2001

District VI Advisory Board, October 1, 2001, October 17, 2001, November 5, 2001

Historic Preservation Board, October 8, 2001

District VI Floodway Bridge Task Force, October 10, 2001

WER, October 17, 2001

Design Review Committee – Historic Preservation Board, October 22, 2001

Police & Fire Retirement, October 24, 2001

Deferred Compensation Board, November 1, 2001

District V Advisory Board, November 5, 2001

MAPC, November 8, 2001

Design Council – City Arts, November 15, 2001

Motion -- carried Knight moved that Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no Street Closures submitted.

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MEMORIAL PARK RENOVATION OF VETERAN'S MEMORIAL PARK. (District VI)

Agenda Report No. 02-0005.

Veterans Memorial Park is a small parcel of 3.5 acres at 201 South Greenway Boulevard located along the Arkansas River directly across from Exploration Place. This park site contains the John S. Stevens Veterans Memorial, Kansas Korean War Memorial, Pearl Harbor Memorial, U. S. Submarine Veterans of World War II Memorial, U.S. Marine Corps. Memorial, U. S. Merchant Marine Memorial and Vietnam Veterans Memorial. On July 10 , 2001, the City Council approved the construction of an automated irrigation system in the amount of \$39,125 from Water and Sewer Department's Conservation Fund to improve the visual appearance and conserve water at this strategically located memorial park site.

A proposed agreement has been drafted between the City and Hillside Nursery Inc. which provides for landscape improvements and one year maintenance. A Staff/Citizen Screening and Selection Committee panel reviewed seven (7) proposals and recommended that Hillside Nursery be awarded the project. This project is a cooperative project between the city and the Tree Trust.

A total of \$64,375, with \$22,600 coming through the Kansas Forest Service from a grant from the USDA Forest Service Title VIII funding, will provide the funding. The balance of the funding (\$41,775) will come from the Tree Trust.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS- AUBURN HILLS 13TH ADDITION, SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 02-0006.

The developer, West Wichita Development, Inc., platted Auburn Hills 13th Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no cost to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

BROADCASTS CONTRACT - COX COMMUNICATIONS – COUNCIL MEETING BROADCASTS.

Agenda Report No. 02-0007.

Since 1991, the City of Wichita has had a contract with Cox Communications, (then known as Multimedia Cablevision), for production services required to operate Channel 7, the City's public information channel. These production services included weekly telecasts of City Council meetings, production of various public affairs programs and certain technical services required to operate the channel.

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The proposed contract for 2002 includes a language revision made necessary by the updating of broadcast equipment in the newly remodeled City Council Chambers. The new equipment requires fewer people to produce the weekly City Council meeting broadcast. The new contract language reflects that change, as well as a change to reflect the purchase of the new equipment by the City.

Cox Communications does not charge for broadcast of the weekly City Council meetings, so the changes have no financial impact on the approved budget for Channel 7 operations.

Motion --

-- carried

Knight moved that the Contract with Cox Communications for broadcasting of City Council meetings, production of public information programs and operation of Channel 7 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RIDGE PORT NORTH SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR RIDGE PORT NORTH AND RIDGE PORT NORTH THIRD ADDITIONS – EAST OF RIDGE ROAD, NORTH OF 29TH STREET NORTH. (District IV)

Agenda Report No. 02-0008.

The City Council approved the project on October 24, 2000. On January 9, 2001, the City approved an Agreement with Baughman Company to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Ridge Port North & Ridge Port North 3rd Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$30,290 and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOME CHDO

EXTENSION OF HOME CHDO DEVELOPMENT FUNDING CONTRACT FOR COMMUNITY HOUSING SERVICES OF WICHITA/SEDGWICK COUNTY. (District I)

Agenda Report No. 02-0009.

Community Housing Services of Wichita/Sedgwick County (CHS), a City-approved Community Housing Development Organization (CHDO), received an allocation of \$279,000 of HOME funds during the 1999-2000 consolidated plan funding process. The funding was provided in order to enable CHS to undertake a program in which they would purchase and rehabilitate 10 single family homes in the Northeast or Midtown Local Investment Areas, and re-sell the homes to first-time homebuyers who would be eligible for the City's HOMEownership 80 program. To date, 1 home has been completed and re-sold under the agreement. The contract will expire March 31, 2002. CHS currently has projects in progress that will not be completed by the current termination date.

CHS has requested that the City extend the funding contract through June 30, 2003, which would provide for additional time to complete projects under the agreement.

CHS has experienced an extended period of leadership transition, dating back to September of 1999, when its executive director resigned. Another Executive Director was subsequently hired, who subsequently resigned, and the organization operated with an interim executive director until a permanent executive director was hired in the early part of 2001. The organization has assured Staff that it intends to aggressively pursue completion of the project, now that it has achieved leadership stability. Housing Services Department Staff is monitoring CHS progress on the activity and it is the recommendation by HSD that the agreement be extended.

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The funding provided to CHS is part of the mandatory set-aside from the annual HOME grant that must be allocated to CHDO's.

An amendment to the grant agreement will be drafted and approved by the City Law Department.

Motion -- Knight moved that extension of the Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT - PHASE I. (District I)

Agenda Report No. 02-0010.

On October 3, 2000, the City Council authorized projects for the development of new water supplies for the City. The projects will help to develop the water supplies to meet City water needs through the year 2050.

The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. A major component of the ILWS is to recharge the Equus Beds Wellfield using water from the Little Arkansas River. The project envisions capturing and recharging 100 million gallons per day (MGD) from the Little Arkansas River by using wells adjacent to the river, or pulling the water directly from the river. It is recommended that the project be built in phases with Phase I constructed as a prototype. A Request for Proposal (RFP) for Phase I was sent to engineering firms with two responses being received. On November 13, 2001, the Staff Screening and Selection Committee heard the presentations and unanimously selected the combination of Burns & McDonnell/MKEC to provide the engineering services.

The Contract will not exceed \$798,532. Funding for the project is included in CIP W-549, Water Supply Plan Phase III, which has available funding of \$6,550,000 for 2001.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - MEL HAMBELTON ADDITION, EAST OF 119TH STREET WEST, SOUTH OF KELLOGG. (District IV)

Agenda Report No. 02-0011.

The City Council approved the project on October 23, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Mel Hamblen Addition. Per Administrative Regulation 7a, Staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$14,000, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - AUBURN HILLS 13TH ADDITION, WEST OF 135TH STREET WEST, SOUTH OF MAPLE. (District IV)

Agenda Report No. 02-0012.

The City Council approved the project on August 14, 2001.

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The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Auburn Hills 13th Addition. Per Administrative Regulation 7a, Staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$64,800, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

NIC

NORTH INDUSTRIAL CORRIDOR – BOUNDARY AMENDMENT.

Agenda Report No. 02-0013.

The Settlement Agreement between the City and KDHE relative to the investigation and remediation of the NIC Site was approved by the City Council on October 31, 1995. The Settlement Agreement was amended on July 23, 1996, to change the date that the RI/FS Work Plan was to be completed and on November 19, 1996, to clarify language pertaining to coordination with other potential responsible parties (PRPs). KDHE has requested a third amendment to adjust the site boundaries.

The proposed amendment to the NIC site boundaries slightly reduces the site and removes two areas from the site: In the northeast, it removes property outside the City limits (this will allow KDHE to negotiate directly with the responsible party in that area). In the South, it removes a six-square block area that overlaps the Gilbert & Mosley site and that is being addressed in that project.

There are no financial considerations.

These boundary amendments do not affect the TIF District boundaries.

Motion --
-- carried

Knight moved that the amendment to the Settlement Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SOCCER FIELD

CHANGE ORDER - BRIDGEPORT ADULT SOCCER FIELD DEVELOPMENT. (District VI)

Agenda Report No. 02-0014.

On April 25, 2001, the City purchased a 5.68 acre parcel (legally described as "Lot 4 Burlington Northern Industrial Center") for \$195,000, plus title and closing costs, with the intent of developing two (2) regulation-size soccer fields on the site. Funding was provided in the capital improvement program (CIP).

Park and Recreation Staff projected the cost of developing soccer fields at the designated site at approximately \$220,000. To initiate development, \$60,000 in budgeted CIP funding was earmarked for the project for purposes of beginning construction. At the same time, Staff initiated a grant application to the Kansas Department of Wildlife and Parks (KDWP) in hopes of leveraging existing investment in the project with federal/state funding.

In July, 2001 the City was notified by KDWP of a Land and Water Conservation grant award to the City in the amount of \$80,706, and on September 9, 2001 Farha Construction was awarded a contract for the first phase of the project in the amount of \$59,524. The City proceeded to develop the site as cost-efficiently as possible, utilizing donated soil for the grade work. Unfortunately, the soil contained higher than expected levels of debris. When the debris had been removed, it was discovered that additional topsoil would be required to complete the grading work and meet specifications. A change order in the amount of \$14,881 is now required to purchase the topsoil and continue development of the fields.

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Land and Water Conservation grant funds are available to cover the cost of the required change order. Future field development costs will be funded via grant monies and budgeted Park and Recreation funds.

Contract change orders in excess of \$10,000 require City Council approval.

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

FARM & ART MKT. CHANGE ORDER - FARM AND ART MARKET BUILDING IMPROVEMENTS. (District VI)

Agenda Report No. 02-0015.

On July 14, 2001, Purchasing approved the selection of the construction company Midland Restoration Company, Inc. to repair, replace, tuckpoint, and seal the exterior brick walls of the Farm and Art Market building as designed by Law/Kingdon, Inc. During the removal for replacement of the bricks on the east and west dock columns it was discovered that the bottom two feet of each interior steel support in the columns had rusted and deteriorated, weakening the building's structure and creating an unsafe condition. Structural engineers and structural architects determined that the steel supports in the columns must be replaced.

The replacement of the rusted and deteriorated steel support beams in the brick columns on the east and west docks of the Farm and Art Market building is necessary for the building to retain its structural integrity. The rusted steel uprights support steel cross members, which are the base for the second and third floor brick exterior walls. Structural and architectural engineers have developed and designed a system to support the walls with shoring while replacing the steel and brick of the columns.

The Change Order in the amount of \$80,275.00 will be funded by previously approved CIP project for the Farm and Art Market with a total budget approved of \$510,000.00. Combined expenditures and encumbrances of \$413,957.69 leave a remaining balance of \$96,042.31 to pay the Change Order amount.

Change Orders over ten thousand dollars require City Council approval.

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

DUMONT STADIUM CHANGE ORDER - LAWRENCE-DUMONT STADIUM IMPROVEMENTS. (District IV)

Agenda Report No. 02-0016.

On February 13, 2001, the Mayor and City Council approved the selection of the construction company Hahner, Foreman & Harness, Inc. to construct improvements and modifications to Lawrence-Dumont Stadium as designed by HOK Sport Inc. and approved by the Mayor and City Council on January 9, 2001. The modifications to Lawrence-Dumont Stadium are necessary to bring the stadium and playing field into compliance with the Royals and the Major League's baseball standards, insure continued team sponsorship by the Royals, and provide for a beautified and landscaped area adjoining Lawrence-Dumont Stadium.

The additional modifications requested through this Change Order are required to complete construction of the approved improvements to Lawrence-Dumont Stadium and result from the requirement that the installation of historic signage in the park area immediately outside the outfield requires the area be resurveyed and restaked, that electric feeder lines be rerouted and the berms be sodded to prevent erosion. The additional modifications are required to meet Royal's requirements, insure fan safety and complete the riverbank beautification.

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The Change Order in the amount of \$18,383.00 will be funded by previously approved CIP project for Lawrence-Dumont stadium with a total budget approved of \$3,707,000.00. Combined expenditures and encumbrances of \$2,875,950.31 leave a remaining balance of \$381,726.40.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

COMPUTER

BANNER CUSTOMER SERVICE INFORMATION SOFTWARE UPGRADE.

Agenda Report No 02-0017.

In October 2001, the City Council approved \$186,000 to upgrade the server hardware and application software for the Customer Service Information System. In December 2001, City Council approved expenditures for consulting assistance to facilitate the installation of the new hardware.

The agenda approved by the City Council stated that \$186,000 would be transferred from W-819. The agenda should have read that \$75,600 would be transferred from CIP W-511, the Northeast Transmission Facility.

If approved, \$75,600 will be transferred from CIP W-511, Northeast Transmission Facility, to CIP W-590, Customer Information System. The Northeast Transmission Facility was completed under budget. The total CIP budget will remain the same.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

ST. MAINTENANCE

PROPOSED 2002 CONTRACTED STREET MAINTENANCE PROGRAM.

Agenda Report No. 02-0018.

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2001 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 4,780,770
Capital Investment Maintenance Program (General Fund)	<u>762,400</u>
Total Contracted Street Maintenance Program	\$ 5,543,170

The City of Wichita is responsible for maintenance of 1,600 miles of paved streets, and 106 miles of dirt streets. In addition, the City maintains 261 bridges and 27 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2002 program will provide repairs to approximately 14 miles of arterial streets and 26 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, bridge deck repairs, medial repairs, diamond grinding, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. One pedestrian footbridge is also scheduled for reconstruction.

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Approximately 68 miles of streets have been annexed into the City of Wichita in the past three years. Many of these streets are in poor condition, and in need of extensive repair. The 2002 program will continue to address newly annexed streets.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,543,170. Funds have been approved in the 2002 Budget for these programs.

Motion --

-- carried

Knight moved that the programs be approved and Staff be authorized to make the necessary budget transfers. Motion carried 7 to 0.

WATER MAIN LEAK PUBLIC EXIGENCY PROJECT, WATER MAIN LEAK – ANDOVER ROAD AND TURNPIKE.

Agenda Report No. 02-0019.

On Thursday, August 23, 2001, a 12-inch ductile iron water main under the bridge on Andover Road and the Kansas Turnpike began leaking. A Water Distribution crew shut down the 12-inch main which then isolated a portion of the City of Andover north of the Kansas Turnpike. This left an 8-inch water main distributing water to the entire area.

The urgency of the break required that it be repaired quickly. Since Water Distribution does not have the equipment nor expertise to make repairs underneath a bridge support, it was necessary to hire a contractor. W.B. Carter Construction was contracted to repair the water main due to their expertise and availability to begin immediately. W. B. Carter completed the project and invoiced the City on November 9, 2001.

The cost for the repairs was \$38,197 and will be paid from Water Utility Revenues.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion --

-- carried

Knight moved that affirmation of the City Manager's Public Exigency be approved. Motion carried 7 to 0.

INFRASTRUCTURE UTILITY INFRASTRUCTURE PROTECTION AND RELIABILITY.

Agenda Report No. 02-0020.

The events of September 11, 2001, created the need to assess the vulnerability of critical water and wastewater infrastructure. Since September 11, Staff have worked diligently to build upon previously established emergency procedures and vulnerability assessments, and have identified several areas in the systems that require more security measures.

To assist with the assessment, Staff recommends an agreement with a professional firm to evaluate the vulnerability of the water and sewer infrastructure. Interested parties will be required to satisfy a list of qualifications demonstrating their expertise in the field of security assessment. Additional consideration may be given to proposals by local firms that have a working knowledge of Wichita's system. The firm selected will be required to fulfill the following functions:

- Perform investigations
- Analyze alternatives
- Conduct workshops
- Produce technical memorandums
- Submit final recommendations for immediate and ongoing security measures

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The selected firm will be required to maintain a continued level of confidentiality regarding all security issues at Water & Sewer facilities. Any recommendations that are a result of the study will require approval by City Council before being implemented.

Security measures can be implemented for the water and sewer utilities without an increase in the CIP. Staff recommends reallocating \$1 million for Water System Security Improvements (CIP W-903) and \$400,000 for Sewer System Security

Improvements (CIP S-542). The cost of the agreement for professional services, as well as any subsequent security enhancements, will be paid from unexpended funds. Recommended security measures that exceed the proposed \$1.4 million allocation will be submitted to City Council for approval.

City Council approval is required to modify the CIP and for projects that exceed \$10,000.

Motion --
-- carried

Knight moved that the project and reallocation of CIP funds be approved; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-006

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$400,000, exclusive of costs of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

RESOLUTION NO. 02-007

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$1,000,000, exclusive of costs of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BUDGET

BUDGET ADJUSTMENTS – 2001 YEAR-END.

Agenda Report No. 02-0021.

Final expenditures have been posted to the 2001 budgets. Budget adjustments are needed to accomplish fiscal year-end closing. Adjustments exceeding \$10,000 require City Council approval in accordance with the City's Administrative Regulations.

The first pay period in 2002 contains ten days from 2001. Due to the timing of these year-end pay period dates, an accrual adjustment is required to accurately reflect all 2001 expenses within the 2001 fiscal period. In most cases, salary savings within the department (over and above planned savings) are sufficient to offset this extraordinary expense, but not in all cases. The total accrual will be over \$3 million. It is requested to authorize up to \$500,000 from the appropriated reserve (or within the departments' budgets, where possible) for the purpose of offsetting accrual expense in areas where a department would otherwise exceed the revised budget.

Additional commodity expenses have been incurred in some General Fund departments, primarily due to fuel expenses (erratic pricing and higher consumption) and maintenance supplies purchases. Where possible, additional commodity expenses will be funded from other savings within the departments; however, transfers of up to \$50,000 from General Fund appropriated reserves may be necessary if other departmental savings are not available.

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A year-end adjustment within the Water Utility budget requires City Council approval. It is needed for accounting purposes but does not alter the intended use or total authorized expenditures within the Water & Sewer funds. Higher than expected water volumes have caused utility and chemical costs to increase. Approval is requested to move up to \$110,000 within the Water & Sewer budgets between categories to accommodate these shifts. While the 2001 Revised budget anticipated \$33.3 million in water revenues, revenues through December 28 totaled \$34.6 million, or 104 percent of budget. Year-end water utility revenues are expected to be about \$35 million, \$4.1 million over expected expenditures of \$30.9 million.

On October 17, 2000, the Council approved participating in a partnership with the County to widen Lear Jet Way. A portion of the City share of the project was derived from transfer of \$250,000 from the Economic Development Trust Fund. Due to the timing of the project initiation, this transfer wasn't made in 2000, and instead will be made from the 2001 budget.

Because of under-expenditures in various accounts, funding is available within each of the authorized funds. Appropriated reserves have been maintained (within legal levels and according to sound financial management). Therefore, funds are available for the purposes identified above to meet these needs described without material consequence to resources needed for future programs/operations.

For the Water & Sewer budgets, the requested adjustments do not affect the intended purpose or total expenditure authority of these programs. The adjustments are to be made from within the existing budget authority.

Compliance with State budget requirements have been met, since all budget adjustments are within funds, and the final 2001 expenditure totals – after the adjustments – will not exceed the legally adopted 2001 expenditure authorizations. Transfers in excess of \$10,000 required the approval of City Council.

Motion -- carried

Knight moved that the budget adjustments be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 505 SOUTH WOODLAWN FOR EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No.02-0022.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the parcels required is a portion of 505 South Woodlawn, owned by Nestor Weigand and Leslie Rudd. The planned expansion of Kellogg will require the taking of 1,250 square feet and relocation of a business sign.

The site contains 37,375 square feet and is improved with a 8,250 square foot multi-tenant retail building. A negotiated value of \$31,250 has been agreed to by the owner for the partial acquisition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$37,000 is requested. This includes \$ 31,250 for the acquisition, \$5,000 for site clearance and \$750 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF PORTION OF 3959 SOUTH HYDRAULIC FOR SOUTH HYDRAULIC IMPROVEMENT PROJECT. (District III)

Agenda Report No. 02-0023.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to upgrade Hydraulic near the intersection with MacArthur will require the partial acquisition of four tracts. One of the tracts required is a portion of 3959 South Hydraulic, owned by Isadore R. And Phyllis Lambert. The property contains 20,048 square feet and is improved with a 2,107 square foot convenience store and gas pumps.

The planned improvement of Hydraulic will require 63.3 square feet triangular clip on the southeast corner of the property. No improvements will be affected by the acquisition. A negotiated amount of \$1,000.00 has been accepted by the owners.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$2,000 is requested. This includes \$1,000.00 for the acquisition, and \$1,000.00 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION 537 AND 545 SOUTH EDMOOR FOR EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 02-0024.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. Two of the properties to be acquired are portions of 537 and 545 South Edgemoor, owned by KDA, Inc. The sites contain 10,050 and 6,700 square feet respectively. 537 is improved as a parking lot and 545 is improved with a 1,567 square foot frame single-family residence with three bedrooms and two baths. The planned expansion of Kellogg will require the east eight feet of each property. This will necessitate the removal of the improvements at 545 South Edgemoor due to insufficient area for parking.

The City has previously acquired 541 South Edgemoor, which is located between 437 and 545 South Edgemoor. The owner of 537 and 545 has agreed to trade the tracts needed for Kellogg expansion to the City in exchange for the portion of 541 South Edgemoor that is not needed for construction. 545 South Edgemoor was appraised at \$72,000. The transaction will save the City the cost of acquisition, demolition and relocation.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$1,000 is requested for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION BY EMINENT DOMAIN OF PORTION OF 506 SOUTH EDMOOR FOR THE EAST KELLOGG/WOODLAWN IMPROVEMENT PROJECT. (District II)

Agenda Report No. 02-0025.

The East Kellogg/Woodlawn Improvement Project was approved for property acquisitions in December 2000. With this eminent domain action, all of the tracts will have been either acquired or placed in eminent domain.

City Staff (along with consultants hired by the City) have been attempting to negotiate a purchase of the identified property but have been unable to reach an agreement with the owner. The offer price of \$30,500 for the partial take and temporary easement was rejected and a counter offer of \$150,000 received. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City-at-large.

Motion --
-- carried

Knight moved that the Resolution be adopted and the Ordinance providing for acquisition by eminent domain be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 02-008

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned improvement, East Kellogg Avenue (US-54), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property and construction easements for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

COLLEGE HILL

AMENDING RESOLUTION – COLLEGE HILL POOL IMPROVEMENTS. (District II)

Agenda Report No. 02-0026.

On June 2, 1998, the City Council approved a Petition to replace the College Hill Swimming Pool. The funding source is a combination of special assessment and City-at-large funds. The project has been completed and final costs have been tabulated. An additional \$25,000 is needed for construction administration and finance costs.

An amended Resolution has been prepared to increase the City-at-large share a total of \$25,000.

The revised project budget is \$794,000, with \$500,000 assessed to the improvement district and \$294,000 paid by the City-at-large.

State Statutes provide the City Council authority to increase the budget by amended Resolution.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 02-009

A Resolution amending Resolution No. 99-369 pertaining to the improving of the College Hill Swimming Pool, (east of Hillside, south of Douglas) Project No. 472-89254, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DR01-13

FIRST READING ORDINANCE – DR01-13 AMENDMENTS TO COMPREHENSIVE PLAN:

(The City Council approved the proposed amendments on December 18, 2001, and directed preparation of the Ordinance.)

Agenda Report No. 02-0027.

The Planning Commission is required under State statutes (K.S.A. 12-747) to review at least annually, the Wichita-Sedgwick County Comprehensive Plan for needed changes or updating. The Plan was last updated in July of 2000.

In the fall of last year, the City and County established the Comprehensive Plan Citizen Review Committee to review some issues left unresolved at the time of adoption of the Plan update. Their recommendations were submitted to the MAPC in May of this year. In September, Staff of the MAPD presented to the MAPC several suggested amendments to the Plan in order to: better address access management issues related to arterial commercial developments; address the appropriateness of locating auto sales lots in residential commercial areas; propose community design principles advocating livable communities and neighborhoods; and, updating the Comprehensive Plan land use guide maps to reflect recent growth and development trends.

In this context, the MAPC reviewed and considered several proposed amendments to the Comprehensive Plan. The six DABs were also given opportunity to consider and comment on these proposed Plan amendments. In October, the MAPC finalized a set of proposed Plan amendments for consideration and gave public notice of same to City and County officials, school district officials, neighboring townships, counties and municipalities and the general public.

On November 15, 2001, the MAPC held a public hearing to receive public comment on the proposed Plan amendments. Approximately 30 members of the public were in attendance. Five people made presentations to the MAPC. Upon closure of the hearing, the MAPC passed a motion (13-0) adopting all plan amendments as submitted by Staff, excepting Locational Guideline #6. Consistent with feedback and concerns received from the DABs and various neighborhood residents, Staff had recommended language changes to Locational Guideline #6 that would guide car sales and other infrequent purchase commercial uses away from neighborhood commercial areas. The MAPC then passed a motion (10-3) adopting Locational Guideline #6 without language modifications that were proposed by Staff at the hearing.

The MAPC recommendations along with the MAPD Staff recommendation on Locational Guideline #6 were presented to the Wichita City Council and the Sedgwick County Board of Commissioners for consideration on December 18th and 19th, 2001 respectively. The City Council and the Board of County Commissioners unanimously voted to adopt the amendments to the Comprehensive Plan as recommended by the MAPC, but modified to include language changes to Locational Guideline #6, as recommended by the Staff of the MAPD.

Adoption of these Comprehensive Plan amendments does not obligate the City or the County to make any capital improvements; the plan is only a guide to future decision-making.

State statute requires that a Comprehensive Plan be adopted by a locality and regularly reviewed in order to regulate land subdivisions. The Comprehensive Plan, or amendments to it, must be adopted by the governing body after the local planning commission has held an advertised public hearing and submitted its recommendations. The governing body can adopt the recommended plan amendments by

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a majority vote, but may only modify recommendations submitted by the MAPC, on first consideration, by a 2/3 vote.

Motion --

-- carried

Knight moved that the Ordinance amending the Comprehensive Plan containing additional language modifications to Locational Guideline #6 and previously approved by the City Council, be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance approving certain amendments to the 1993 Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 18, 2001)

- a) Tax Exemption Request – Weaver Manufacturing, Inc. (District I)

ORDINANCE NO. 45-179

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Perfekta, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Tax Exemption Request – Benecor, Inc. (District II)

ORDINANCE NO. 45-180

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Weaver Manufacturing, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Tax Exemption Request – Evcon Industries, Inc. District IV)

ORDINANCE NO. 45-181

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Evcon Industries, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Tax Exemption Request – Perfekta, Inc. (District VI)

ORDINANCE NO. 45-182

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Perfekta, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- e) 2002 Position Classification.

ORDINANCE NO. 45-183

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to Position Classifications in the Schedule of Pay Ranges repealing Ordinance No. 44-820, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- f) A01-15 – North of 21st Street North, and East and West of Hoover. (District V)

ORDINANCE NO. 45-184

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-15

- g) SCZ-0785 - Northeast corner of 167th Street West and Kellogg. (District V)

ORDINANCE NO. 45-185

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. SCZ-0785

- h) Sewer rates.

ORDINANCE NO. 45-186

An Ordinance amending Sections 16.14.030 and 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- i) Water rates and charges.

ORDINANCE NO. 45-187

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, relating to the schedule of rates and charges for water service, and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

THIRD READING ORDINANCE: (FIRST READ DECEMBER 11, 2001)

- a) Telecommunications Franchise – Adelphia Business Solutions.

ORDINANCE NO.45-163

An Ordinance granting to Adelphia Business Solutions, its successors and assigns, a franchise and the right to construct, operate, maintain and extend a Telecommunication System in the City of Wichita, Kansas, prescribing the terms of said Grant and relating thereto, read for the third time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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PLANNING AGENDA

Marvin Krout Director of Planning stated that the Planning Agenda could be considered as consensus Items.

Motion -- carried Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

VAC2001-00050 **VAC2001-00050 – VACATE PLATTED 10-FOOT UTILITY EASEMENT, SOUTHWEST OF THE 29TH STREET NORTH/ROCK ROAD INTERSECTION.** (District I)

Staff Recommendation: Approve vacation of the described platted 10-foot utility easement.

MAPC Recommendation: Approve vacation of the described platted 10-foot utility easement. (unanimous)

The applicant is requesting consideration to vacate the 10-foot utility easement on the north side of Lot 8, Block 1, The Village at Waterford Addition, where it abuts Lot 9. The prospective buyer of the two lots (Lots 8 & 9) proposes to build a new home over the lot line and existing easements.

City Staff and private utility representatives found no existing or prospective utilities in this easement. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Certified copies of the Vacation Order, the Covenant and the Utility Easement will be recorded with the Register of Deeds.

Motion -- Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

VAC2001-00051 **VAC2001-00051 – VACATE PORTION OF PLATTED 25-FOOT BUILDING SETBACK LINE, SOUTHEAST CORNER OF CRANBROOK STREET AND MT. VERNON.** (District II)

Agenda Report No. 02-0029.

Staff Recommendation: Approve vacation of the described portion of the platted 25-foot front building setback.

MAPC Recommendation: Approve vacation of the described portion of the platted 25-foot front building setback. (unanimous)

The applicant is requesting consideration to vacate a portion of a platted 25-foot front building setback line, where a garage was built. The existing encroachment is 4.6-feet at its deepest on the west side and 1.4-feet on the east side. The garage is 20.4-feet wide.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion -- Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

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VAC2001-00053

VAC2001-00053 – VACATE PORTION OF WICHITA-VALLEY CENTER FLOOD CONTROL EASEMENT AND THE AMIDON AVENUE RIGHT-OF-WAY, SOUTHWEST OF 37TH STREET NORTH – AMIDON AVENUE INTERSECTION. (District VI)

Agenda Report No. 02-0030.

MAPC Recommendation: Approve. (unanimous)

The applicants are proposing to vacate an approximately 115-foot x 213-foot portion of the Wichita-Valley Center Flood Control Easement that abuts the south and west sides of their property. The applicants are also proposing to vacate a 20-foot wide unimproved section of Amidon Avenue that abuts the applicants property on the west and all of Lot 9, Block 2, Pleasant Valley 2nd Addition. The applicant proposes to incorporate the vacate lands into their property.

KG&E required retention of the Amidon Avenue ROW as a utility easement and Storm Water Management required dedication of a drainage easement by separate instrument of the western 30-foot of the vacated Wichita-Valley Center Flood Control easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Certified copies of the Vacation Order and drainage easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00055

VAC2001-00055 – VACATE PLATTED 30-FOOT FRONT BUILDING SETBACK LINE, NORTHEAST OF GREENWICH/MT. VERNON INTERSECTION. (District II)

Agenda Report No. No. 01-0031.

Staff Recommendation: Approve vacation of the described platted 30-foot front building setback line.

MAPC Recommendation: Approve vacation of the described platted 30-foot front building setback line. (unanimous)

The applicant is requesting consideration to vacate a portion of a platted 30-foot front building setback line, on Lot 17, Block 6, Smithmoor 9th Addition. The applicant has an existing encroachment caused by a garage, which encroaches 4.9-feet into the 30-foot setback at its deepest point.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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SUB2001-00050

SUB2001-00050 – PLAT OF NIES FOURTH ADDITION, NORTHEAST CORNER OF PAWNEE AND WEBB ROAD. (District II)

Agenda Report No. 01-0032.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This plat was recently annexed by the City. A zone change (ZON 2001-00014) from SF-20, Single-Family Residential to OW, Office Warehouse and LC, Limited Commercial has been approved for a portion of this site subject to platting. The plat is also subject to a Protective Overlay established by ZON 2001-00014 addressing usage, screening, storage and access.

A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted. In order to provide access to Lot 2, a cross-lot access easement was provided across Lot 1. As required by the drainage plan for this site, a cross-lot drainage agreement was provided. A Protective Overlay Certificate was provided identifying the approved Protective Overlay and its special conditions for development. As required by the Water and Sewer Department a private utility easement was submitted for a service line extending from Pawnee to Lot 2.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition, private utility easement, cross-lot drainage agreement, cross-lot access easement, and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the ZON 2001-00014 Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds; and the Resolutions be adopted. Motion carried. 7 to 0.

-- carried

RESOLUTION NO. 02-010

Resolution of findings of advisability and Resolution authorizing construction of Lateral 318, Four Mile Creek Sewer (north of Pawnee, east of Webb), 468-83336, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON 2001-00014

SUB2001-00061

SUB2001-00061 – PLAT OF PINE MEADOW ADDITION, EAST SIDE OF GREENWICH, SOUTH OF 13TH STREET NORTH. (District II)

Agenda Report No. 02-0033.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat.(10-0)

This 48-lot plat is zoned SF-5, Single-Family Residential.

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Petitions, all 100%, have been submitted for sewer, water and paving improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-011

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89647 (east of Greenwich, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-012

Resolution of findings of advisability and Resolution authorizing construction of Lateral 325, Four Mile Creek Sewer (east of Greenwich, south of 13th Street) 468-83376, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-013

Resolution of findings of advisability and Resolution authorizing improving of Pine Meadow Street from 21 feet east of Pine Meadow Court to the west line of Lot 1, Block 2, Pine Meadow Second Addition; sidewalk on the north side of Pine Meadow from Pine Meadow Court to the west line of Lot 1, Block 2, Pine Meadow Second Addition, (east of Greenwich, south of 13th Street) 472-83449, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-014

Resolution of findings of advisability and Resolution authorizing improving of Crest Street/Donegal Lane Bristol Street from the north line of Reserve A (south line of Pine Meadow Street) to the north line of Lot 25, Block 1, (south line of Pine Meadow Street); Bristol Court from the west line of Bristol to and including the cul-de-sac serving Lots 11 through 17, Block 2; Bristol Court from the east line of Bristol to and including the cul-de-sac serving Lots 16 through 20, Block 1; Crest Court serving Lots 5 through 8, Block 1, (east of Greenwich, south of 13th Street) 472-83458, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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SUB2001-00098

SUB2001-00098 – PLAT OF PINE MEADOWS SECOND ADDITION, EAST OF GREENWICH, SOUTH OF 13TH STREET NORTH. (District II)

Agenda Report No. 01-0034

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (14-0)

This 56-lot plat is zoned SF-5, Single-Family Residential and is located in the City.

Petitions, all 100%, have been submitted for sewer, water and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-015

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89641, (east of Greenwich, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-016

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89642, (east of Greenwich, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-017

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89648, (east of Greenwich, south of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-018

Resolution of findings of advisability and Resolution authorizing construction of Lateral 326, Four Mile Creek Sewer (east of Greenwich, south of 13th Street), 468-83373, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-019

Resolution of findings of advisability and Resolution authorizing improving of pine Meadow/Bedford Street, from the west line of Lot 1, Block 2, to the south line of Lot 6, Block 2; Bedford Circle, from the east line of Bedford to and including the cul-de-sac; Bedford Court, from the east line of Bedford Circle to the cul-de-sac serving Lots 23 through 33, Block 1; Bedford Court, from the east line of Bedford Street to and including the cul-de-sac serving Lots 36 through 50, Block 1; sidewalk on the north and east side of Pine Meadow/Bedford from the west line of Lot 1, Block 1, to the south line of Lot 50, Block 1, (east of Greenwich, south of 13th Street) 472-83448, City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-020

Resolution of findings of advisability and Resolution authorizing improving of Pine Meadow Court from the north line of Pine Meadow Street to and including the cul-de-sac serving Lots 1 through 12, Block 1, (east of Greenwich, south of 13th Street) 472-83459, City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

A01-22

A01-22 – ANNEXATION OF LAND GENERALLY LOCATED SOUTH OF K-42 AND WEST OF RIDGE ROAD. (District V)

Agenda Report No. 01-0035.

The City has received a request to annex approximately 55 acres situated south of K-42 and west of Ridge Road. The site abuts the City of Wichita to the north and west. The property owner is planning to construct 475,000 sq ft of building area on the site, and the staging of development has been planned over multiple years with 100% of development projected to occur within 10 years.

Land Use and Zoning: The annexation site is presently in agricultural use and zoned “LI” Limited Industrial. All surrounding lands are currently in agricultural use. Land south and east is zoned “SF-20” Single Family Residential and “RR” Rural Residential. Land west is zoned “SF-5” Single Family Residential, and land north is zoned “LI” Limited Industrial and “SF-5” Single Family. Upon annexation, the “LI” Limited Industrial zoning of the subject property will remain unchanged.

Public Services: The City Public Works Department indicates that 16” water lines exist along Ridge Road just north and south of the subject property proposed for annexation. A water line will be extended in order to connect the two existing lines at a total cost of \$60,000 (approximately \$24,000 paid by the City). The property owner will also be responsible for 100% of the interior water line costs. Sanitary sewer lines exist at K-42 and Ridge. The property owner will be responsible for the installation of a lift station and force main to pump the sewage to the existing lines (100% paid by the property owner).

Street System: The property proposed for annexation will have access to Ridge Road (2-lane arterial), which serves the area as the nearest major north-south road, and MacArthur (2-lane arterial), which serves the area as the nearest east-west road. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.). However, the 2030 Transportation Plan shows MacArthur improved to serve as a 4-lane arterial.

Public Safety: Fire services to this site can be provided within an eleven (11) to thirteen (13) minute approximate response time from City Station #19 located at 600 W. MacArthur. However, the City Fire Department indicates that a new fire station will be completed near 31st Street South and Meridian, which would provide a shorter response time in the future. Upon annexation, police protection will be

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provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Park: Pawnee Prairie Park, a 625-acre park, is located approximately 1 mile northwest of the proposed annexation site.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The property proposed for annexation has been platted as the Haag Industrial Park. The approximate assessed value of the property is \$2,448. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$17,102,500 when development is completed, resulting in an assessed value of \$4,275,625. Assuming the current City levy remains about the same, this would roughly yield \$134,280 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq. RECOMMENDED ACTION:

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-22

AIRPORT AGENDA

Knight moved that the Airport Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

AIRPORT

CONTRACT – ENVIRONMENTAL INVESTIGATION RUNWAY PROTECTION ACQUISITION.

Agenda Report No. 02-0036

Tracts adjacent to Airport Authority-owned land have been identified as acquisitions to provide a compatible land use buffer around the airport. Land acquisition has been included as project line items in the proposed 2002-2011 Capital Improvement Program. The property pre-acquisition process has included an environmental assessment. The initial assessment recommended additional testing.

It is important that property acquisitions be investigated to protect the interests of the City. The property under consideration has previously been the subject of a Phase I Environmental Survey. The results of the Phase I indicate that further study is needed to insure that no significant environmental issues are present. Camp Dresser & McKee, Inc has submitted a proposal to complete the required study for an amount not to exceed \$19,000. This proposal has been discussed with Environmental Health and has received their recommendation. Camp Dresser & McKee has provided similar services to the City of Wichita. Property Management recommends a direct award based upon Camp Dresser & McKee's past experience, work quality and familiarity of the project's expectations and requirements.

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A portion of the costs of this study may be eligible for reimbursement under the Federal AIP grant program and the Passenger Facility Charge program. The remainder, and in the interim, will be funded with General Obligation Bonds paid by airport revenues. The purchase is within the capital project budget.

Agreements in excess of \$10,000 require approval of the City Council.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

SECURITY - FINGERPRINT SYSTEM.

Agenda Report No. 02-0037.

As a result of the September 11th terrorist attacks, certain security actions must be taken immediately to comply with Federal Aviation Administration (FAA) mandates. On November 20, 2001 the City Council approved an airport security project which allowed an adjustment of the airport budget and approved an amendment to the current CIP to allow for purchase of certain capital items. One of the items included in the project was the purchase of a Live Scan Finger Print system. It is now necessary to move forward with the AIP compliant procurement of the fingerprinting system in order to accommodate a mandate for criminal background checks on persons needing to obtain badges to certain secured areas.

Bids were solicited from three vendors. Based on price and features, Visionics Corporation was selected to provide the equipment. The FAA Security has approved the purchase.

The cost of the equipment is \$70,802. The equipment will ultimately be funded 100% by AIP grant funds, although airport revenues will provide interim funding. The purchase is within the capital project budget.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

AIRPORT

TENANT IMPROVEMENTS.

Agenda Report No. 02-0038.

The Federal Aviation Administration (FAA) currently leases WAA facilities located at 1761 and 1801 Airport Road on Wichita Mid-Continent Airport. The FAA is now desirous of making some improvements to each of these facilities. In addition, certain security improvements are planned as a result of the recent terrorist attacks. The 2002 Capital Improvements Program (CIP) includes a project for tenant improvements.

The FAA has studied its current needs and is desirous of implementing the changes to each of these facilities at this time.

The project is estimated to cost \$200,000. This amount will be funded from airport revenues and recovered through FAA rental rates.

Motion --
-- carried

Knight moved that the project be approved; and selection of consultants and necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

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EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess and move to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, contract negotiations; and preliminary discussions relating to the acquisition of real property for public purposes; and the Council return to regular session no later than 10:45 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 9:55 a.m. and reconvened at 10:30 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 10:30 a.m.

Pat Burnett CMC
City Clerk